

Members

Sen. Beverly Gard, Chairperson
Sen. Kent Adams
Sen. Lindel Hume
Sen. Vi Simpson
Rep. James Bottorff
Rep. Ron Herrell
Rep. Steven Heim
Rep. David Wolkins
Lori Kaplan
Dwayne Burke
John Ulmer
Shelley Miller
Ellen Tobias
William Goffinet
Randal D. Edgemon
Julia Wickard
William Hayden
Michael Sutherlin



ENVIRONMENTAL QUALITY SERVICE COUNCIL

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248-2001 (Amended by P.L. 240-2003)

MEETING MINUTES¹

Meeting Date: October 8, 2003
Meeting Time: 1:00 P.M.
Meeting Place: Governmental Center South,
302 W. Washington St.,
Conference Room B
Meeting City: Indianapolis, Indiana
Meeting Number: 4

Members Present: Sen. Beverly Gard, Chairperson; Sen. Kent Adams; Sen. Lindel Hume; Sen. Vi Simpson; Rep. James Bottorff; Rep. Steven Heim; Rep. David Wolkins; Lori Kaplan; Dwayne Burke; John Ulmer; Ellen Tobias; Randal D. Edgemon; William Hayden; Michael Sutherlin.

Members Absent: Rep. Ron Herrell; Shelley Miller; William Goffinet; Julia Wickard.

1. Call to order

Senator Gard called the meeting to order at 1:10 p.m.

2. Water Pollution Control Board (WPCB) rulemaking

John Fekete, Chairman of the WPCB, presented on the WPCB's rulemaking activities and procedures. He described the organization and duties of the WPCB and the rules currently in process. The WPCB is using workgroups to address issues relating to rulemaking on water resources, mercury contamination, fast tracking, E. coli, and combined sewer overflows. He stressed the importance of the WPCB maintaining linkage with the General Assembly and the EQSC.

¹ Exhibits and other materials referenced in these minutes can be inspected and copied in the Legislative Information Center in Room 230 of the State House in Indianapolis, Indiana. Requests for copies may be mailed to the Legislative Information Center, Legislative Services Agency, 200 West Washington Street, Indianapolis, IN 46204-2789. A fee of \$0.15 per page and mailing costs will be charged for copies. These minutes are also available on the Internet at the General Assembly homepage. The URL address of the General Assembly homepage is <http://www.ai.org/legislative/>. No fee is charged for viewing, downloading, or printing minutes from the Internet.

The council discussed with Mr. Fekete the following issues:

1. Reliance of the WPCB on IDEM
2. Whether or not the WPCB should have an independent staff
3. Whether the environmental rulemaking boards should be combined
4. Professional training for board members
5. Making the boards full time
6. Time commitments required of board members
7. Cooperation among the boards
8. Adoption of rules more stringent than federal law

3. Commissioner's report

Lori Kaplan, Commissioner of IDEM, presented the Commissioner's Report (Handout #1), which included the following:

1. Outreach, education, and assistance from August 1 through August 31, 2003
2. Rulemaking updates for the environmental rulemaking boards
3. Fees collected
4. Permit report cards
5. Permit charts
6. Selected news releases from August 4, 2003, through September 29, 2003
7. Environmental audit annual report
8. Answers to follow-up on questions from the EQSC meeting of September 3

4. Environmental crimes

Senator Luke Kenley presented on the issue of environmental crimes. Under IC 13-30-6-1, it is a Class D felony to intentionally, knowingly, or recklessly violate a rule or standard adopted by one of the environmental rulemaking boards, or a determination, permit, or order made or issued by the commissioner of IDEM. Senator Kenley's SB 114-2003 proposed the creation of the Environmental Crimes Task Force, which would propose statutory definitions of all environmental crimes. Senator Kenley asked that the council endorse the proposed legislation for the next session.

Senator Gard acknowledged the importance of the issue and the difficulty of the task, and thanked Senator Kenley for his work on this issue.

5. IDEM reports

A. Budget Issues

Ryan Pastorius, IDEM, presented a report (Handout #2) on IDEM budget issues. The council discussed the following issues with Mr. Pastorius, Commissioner Kaplan, and Deputy Commissioner Tim Method:

1. IDEM reliance on dedicated funds
2. IDEM budget priorities
3. IDEM budget cuts
4. Staffing and elimination of vacant positions in IDEM
5. Administratively extended NPDES permits

B. Underground storage tanks and excess liability trust fund

Bruce Palin, IDEM, presented a report (Handout #3) on underground storage tank and Excess Liability Trust Fund (ELTF) issues. The council discussed the following issues with Mr. Palin:

1. Administrative costs for the ELTF
2. Costs of contracting for processing claims on the ELTF
3. The possibility of bonding to help ELTF remain solvent
4. Comparative uses of the ELTF and the Petroleum Trust Fund
5. IDEM priorities for underground storage tank cleanups

Senator Gard asked Mr. Palin to provide information to the council on the extent to which the ELTF is used to pay administrative costs of agencies other than IDEM.

Scott Imus, Executive Director of the Indiana Petroleum Marketers and Convenience Store Association, stressed the importance of the solvency of the ELTF , and indicated that his association is looking at funding proposals.

Maggie McShane, Executive Director of the Indiana Petroleum Council, stressed the importance of the ELTF to her members. Ms. McShane observed that cleanup activities through the ELTF have been very successful, and that the fund has been used for the cleanup of more than 4,000 sites.

Anne LaRue, Everybody's Oil Corporation, stressed the importance of the solvency of the ELTF and supported the bonding suggestion. She also suggested raising the tax on diesel fuel as a funding option.

Miriam Dant, Baker & Daniels, who represents environmental consulting firms that perform underground storage tank cleanup, stated that the ELTF is in trouble even without consideration of administrative costs because of the growing number of cleanups. She indicated that IDEM is put in a position of considering lower cleanup standards because of funding issues.

C. New drinking water fees

Pat Carroll, IDEM, presented a report (Handout #4) on Indiana's safe drinking water program and new drinking water fees. The council discussed the following issues with Mr. Carroll:

1. Programs to protect surface water systems
2. Federal funding for water system security
3. Impact on the drinking water revolving loan fund

6. Other matters.

Senator Gard asked that members send any recommendations for the council's final report to Bob Bond before October 22, 2003. She also distributed copies of letters she received concerning confined feeding operation and septic system rules (Handout #5).

7. Adjournment

The meeting was adjourned at 3:52 p.m.